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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,261	12/28/2000	Rainer Lienhart	042390.P10325	1229
7590 03/09/2005			EXAMINER	
Andre M. Gibbs Blakely, Sokoloff, Taylor & Zafman LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1030			SENF, BEHROOZ M	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 03/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,261

Applicant(s)

LIENHART, RAINER

Examiner

Behrooz Senfi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/27/2004, fwd 1/13/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 5,7-10 and 14-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,11-13,26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments filed 12/27/2004, fwd 1/13/2005 have been fully considered but they are not persuasive. Applicant's amendment cancels claims 5, 7 – 10 and 14 – 25.

### **Response to remarks:**

Applicant asserts (page 7, lines 13 – 14 and page 8, lines 3 of the remarks, filed 2/27/2004) that Foote'021 fails to teach or suggest, "determining and embedding limitations of claim 1, which is probability of transition effect".

In response, Examiner respectfully disagrees; Foote '021 (i.e. page 12, sections 0131, 0133 and 0135) discloses the subject matter of embedding probability of transition effect. In Foote '021 (section 0131), the pre-computed coefficients are stored with the video to enable similarity measurement. This information may be in the form of metadata in MPEG-7, which is embedded with the video data (i.e. section 0130), and the coefficients are classified as similar transform coefficients and are used to model the statistical similarity measurement. Storing these coefficients with the video is in fact embedding them with the video data. At section 0135, the similarity computed is scored based on the likelihood (i.e. probability) of a frame belonging to a query image.

Applicant asserts (page 11, lines 2 – 4 of the remarks) that Szeliski '220 fails to teach or suggest a "transition synthesizer that generates a video sequence comprising one or more synthesized transition effects, in claim 32".

In response, Examiner respectfully disagrees. "A transition synthesizer" as claimed, is noting more than selecting the frames associated with a particular transition and manipulate/synthesize those frames to generate a new sequence of frames, this new sequence of frames represents a synthesized transitional video sequence, and therefore reads on Szeliski '220 (i.e. fig. 2, 202).

Applicant asserts (page 9, lines 3 - 4 of the remarks) that Wilcox fails to teach or suggest sequence comprising a transition sequence "from a first shot to a second shot in claim 11".

In response, combination of Foote '021 and Wilcox '542 teaches the above subject matter. As discussed earlier (claim 1 above), Foote '021 calculates/measures (computes) similarity for video training, similarity could be calculated in different ways, one way is image difference/differences between two frames "i.e. two shots", therefore it meets the limitation as claimed, please see (page 12, section 0133, 0135).

2. Regarding claims 1 – 4, 6, 11 – 13 and 26 – 35, the grounds of rejection as set forth in the last Office Action (dated, Aug. 12, 2004) still applies here.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314**


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. J.

2/24/2005

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600